THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.22990 of 2005

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Dated: 03.11.2005

Between:

EMAR Esesvi Poultry Farm, D.No. 1-31, Near Ramalayam,
Pulagalipalem, Zuttada (PO), Pendurthi Madalam,

Visakhapatnam - 531 173,
Rep by its Proprietor P. Vijaya Rani, W/o. P. Sivaram Prasad,

aged 53 years.

..... PETITIONER

AND

The Gramapanchayat of Pullagalipalem, Rep by its Secretary,

Grampanchayat,
Zuttada (PO) Pendurthi Madalam, Visakhapatnam - 531 173.

.....RESPONDENT

THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.22990 of 2005

ORDER:

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The EMAR Esesvi Poultry Farm represented by its Proprietor is the petitioner, assailing the notice/order dated 06.10.2005 issued by the respondent-Gram Panchayat. By the impugned notice/order, the petitioner was directed to close the Poultry Farm, as it is causing diseases and many people are dying due to the presence of the Poultry Farm.

After getting instructions from the respondent-Gram Panchayat, the learned Standing Counsel opposed the Writ Petition. He submits that on a complaint given by the villagers to the District Collector, as directed, the Mandal Revenue Officer, Pendurthi, conducted enquiry and found that the Poultry Farm of the petitioner is situated in the midst of the residential houses. In that view of the matter, I do not find

any illegality or irrationality in the respondent, directing the petitioner to remove the Poultry Farm.

It is submitted by the learned Counsel for the petitioner that the petitioner-Poultry Farm is only discriminated, though there are other Poultry Farms in the vicinity and the petitioner alone is singled out. It is also submitted that the petitioner-Poultry Farm is situated far away from the residential houses. These two questions are in relation to the factual situation, which cannot be decided in this Writ Petition. If so advised, the petitioner may approach the District Panchayat Officer, under Section 128(2) of the A.P.Panchayat Raj Act, 1994, by filing an appropriate appeal. As and when such appeal is filed, the appellate authority shall consider the appeal, inspect the area, if necessary, and pass appropriate orders in the appeal.

The Writ Petition, with the above observations, is accordingly disposed of. The interim order, granted earlier, is vacated. No costs.

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(V.V.S.RAO, J)

03.11.2005

vs